

LEGISLATIVE BRANCH APPROPRIATIONS FOR FISCAL YEAR 2019

U.S. SENATE,
SUBCOMMITTEE OF THE COMMITTEE ON APPROPRIATIONS,
Washington, DC.

[CLERK'S NOTE.—The subcommittee was unable to hold hearings on departmental and nondepartmental witnesses. The statements and letters of those submitting written testimony are as follows:]

DEPARTMENTAL WITNESSES

PREPARED STATEMENT OF THE OPEN WORLD LEADERSHIP CENTER

Chairman Daines, Ranking Member Murphy, and Members of the subcommittee, thank you for the opportunity to present written testimony on the Open World Leadership Center, one of the most effective American exchange programs for countries in transition.

A Resource: The Open World program stands as a unique resource for Congress. By linking rising leaders and key decision makers from Eurasia to Members of Congress, our delegates can convey both facts and context that help inform Members. For example, in 2017, Ukrainian parliamentarians, representing four parties and all united as “Euro-optimists,” painted the current political atmosphere for the 16 Members they met. Topics discussed touched on the challenges of fighting corruption, consequences of the war in Eastern Ukraine, the need for United States leadership to unify European and U.S. policy, and the information war with Russia. Multiply that series of conversations by the over 800 delegates that have met with Members, staff and your constituents, you can see that the Open World program provides unfiltered insights from rising leaders who are fully engaged in the political, economic, educational and other facets of their country's development. Over 80 percent of our participants have met with Members or staff.

An Asset: While you might not at first think about the asset side of the balance sheet, we have 27,000 alumni in strategically important countries. Ambassador John Tefft, who recently finished his time as our Ambassador to the Russian Federation, noted that in his travels throughout this vast territory, it is Open World alumni that are more open to meeting with and talking to him. In a country of managed news, our nearly 20,000 alumni in all 83 regions of the Russian Federation carry a far different and more positive view of the United States despite the Russian media's efforts to demonize us. And they have friends and a wide reach through social networks. Finally, the Open World program directly benefits your constituents. In 2017, the program placed delegations of young professionals in 47 States and 205 Congressional districts.

An Investment: As an investment, we are hard to beat. Our overhead runs consistently at or below 7 percent; our cost per participant is less than half that of similar Executive Branch programs; and our responsiveness to congressional initiatives is quick and effective. For example, one Member believed we needed to focus more on legislators. Our Board agreed and the next year, we set an objective of 20 percent of participants coming from legislative bodies. We met that goal by bringing over 100 legislators and staff by the end of the year.

Why Legislative Branch: Our placement in the Legislative Branch allows us to engage people of influence from more closed countries who would otherwise avoid an Executive Branch program. A question that I hear every so often is, “Why is the Open World Leadership Center in the Legislative Branch?” The most compelling answer is simply that the placement in the Legislative Branch allows our program to engage influential, democracy-minded Russians and others from more closed coun-

tries—products of the Putin Generation looking for positive change—that would otherwise choose not to travel on an Executive Branch exchange. What better way to support Congress than by working in countries that do not have a tradition of open debate or legitimate opportunities to propose alternatives for government to take, than by making the citizenry more knowledgeable about the legislative process that will empower them to be a force for change?

In April of 2017 Open World hosted five in-demand Middle East specialists from Russia. They were blunt in telling us that they felt secure on our program, in large part due to its Legislative Branch identity. One expert wrote on Facebook that publishing his article was a “result of the recent trip to DC and a milestone in my career.” During the Open World program in Washington, DC, this delegate visited numerous high level think tanks and policy makers. In a joint statement the six delegates had this to say about their Open World program: “Open World appealed to the members of our delegation by being nonpartisan, politically neutral, and outside of Executive Branch politics. The program fosters a free, open, deep and meaningful exchange of ideas between peers.”

Equally important, our Board, the majority made up of Members of Congress, provides direction and calls on us for full accountability. That solid guidance allows us to be creative, cost conscious, and able to explore themes that more staid, convention-bound programs shy away from.

The Geo-Political Challenge: The Open World program focuses on assisting Congress in its oversight responsibilities and on conducting exchanges that establish lasting professional relationships between the up-and-coming leaders of Open World countries and Americans dedicated to showcasing U.S. values and democratic institutions. The Open World program brings emerging national and regional leaders to the United States to meet their American counterparts and gain firsthand knowledge of how American civil society works. This hands-on and close up look at our processes—and the people who run them—has a unique impact on our delegates. The Open World experience provides the impetus for improvement; delegates return home and set to work creating change based on the models they have seen.

The Power of Exchange: The elected officials and young professionals from across the former Soviet states and other countries who, thanks to Congress, come on the Open World program each year have seen the best of America up close and personal. They go back to their homes with an improved impression of our country and they share that positive impression with their friends, family, community, and professional counterparts. These are the people that go into elected office, run cities, teach the next generation, and craft the foreign policy that directly affects the United States. Like a tide, their influence is steady, persistent, and mostly unstoppable.

Front Line against Fake News and Anti-American Propaganda: The Open World program is a proven effective method of directly combatting anti-American disinformation and propaganda being disseminated out of Moscow into its neighboring states as well as into other countries via sophisticated and well-funded communications methods such as the RT television channel. In the 4 years since Ukraine’s Maidan Revolution and the subsequent illegal annexation of Crimea by the Russian Federation, the world has seen undisputed evidence that Russian troll farms are blanketing airwaves and the Internet with stories designed to disrupt the news cycle. Through our Embassy in Kyiv and other sources we find European-minded, anti-corruption activists and young Members of Parliament that see a great opportunity in participating in the Open World program.

Similar Russian tendencies are at play in Georgia and Moldova, both European Union-oriented governments and with regions mired in frozen conflicts with Russia. Open World directly engages Members of Parliament from both countries as well as their leading NGO and social services influencers.

Keeping Russia Close: U.S.-Russia relations continue to be strained. In fact, it is reminiscent of a time 18 years ago when our founder Librarian of Congress Emeritus Dr. James H. Billington grew increasingly concerned about our two country’s relations during the NATO action in Serbia and Kosovo. He envisioned a mini-Marshall Plan to keep goodwill strong at the grassroots level, when our diplomatic efforts were at a stalemate. Dr. Billington took his concerns not to the State Department, not to private international funders, but to Congress, to the Appropriations Committee, in fact, because it was his vision that a new model of exchange program would support the international oversight activities of U.S. legislators. The Committee and Congress agreed with Dr. Billington, in effect creating a new support agency for the Congress. In 1999, the nascent Open World program brought over 2,000 Russians to the United States for professional programming hosted by their American counterparts, including Members of Congress, all across the country.

Today, the Open World Leadership Center continues to conduct a highly-regarded international exchange program in the United States Legislative Branch and plays an increasingly vital role in the political landscapes of many countries throughout Eurasia, and in particular, Russia and Ukraine. Open World has supported leaders who, early in their careers, have become influential within their communities and in the national arena. For example, Alexei Navalny, Russia's most well-known Kremlin critic was an unknown 29-year-old lawyer when he came on the Open World program in 2005. Mr. Navalny was hosted in Dallas, Texas on the Local Governance theme and went on to create a strong and active movement against abuse of power and corruption. Mr. Navalny is only one example demonstrating Open World's expertise in selecting the most promising individuals to come on the program usually right at the moment that they are about to ascend in their profession. We communicate with these alumni, track their results, and present them to Congress to show how effective our exchange model is.

One profound insight our delegates derive from their experience in the U.S. is that elected officials truly are accessible and accountable to the citizens of their jurisdictions. Another powerful element, again consistently praised by our delegates, is the impact of home stays—delegates living with American families while in the United States. One delegate succinctly described “seeing an America I didn't know existed.”

Congressional leadership helps advance democracy and U.S. values worldwide. With Congress's support, Open World is a strategic long-term investment in our security and a crucial source of our international influence and strength. Open World is committed to these efforts while recognizing the possibility of uncertainty and setbacks, understanding that progress requires our persistent dedication to our enduring principles and goals.

Open World's Powerful Alumni Network: Open World maintains a vast alumni network across Russia, Ukraine, and the other countries of the former Soviet Union. Many members of the 27,000-strong alumni community are active in their communities, regions, and often at the center of government. They are a valuable resource to our diplomatic missions abroad. The positive communications' multiplier effect is a major result of the Open World program. Our alumni dispel myths and untruths about the United States and help promote an effective message about America.

For Open World's Russia program, the objective is to have participants return to Russia with a more positive view of America; to add to their professional skills through direct contact with U.S. citizens engaged in similar work; and to counter the Russian information war by providing a direct view of the American people and our society. These programs are intense ten-day thematic visits to the U.S. that expose young and emerging Russian leaders to democratic practices, civil rights, good governance, transparency in media, sound health and education policy and practices, the provision of social services, and economic development strategies.

Open World has had enormous success in Russia due to a continuous low-key presence there since 1999, providing our colleagues from Russia with broad exposure to American democratic and free-market institutions.

Open World's Ukraine program helps Ukraine mature in the aftermath of revolution and enhance its leaders' skills and capabilities to advance the country's agenda. These programs come at a time when part of Ukraine has been annexed and as it faces Russian interference in the East and South.

The Open World program also focuses on the institutional development of civil society and promotion of economic reform. The subthemes of the program aim at fighting corruption, promoting transparency and accountability in governance, furthering decentralization of power, and improving the business climate to grow the economy and enhance trade capacity, particularly as it relates to the agricultural and energy sectors.

Our more than 3,200 outstanding alumni now serve in leadership positions throughout the country. In 2017, Open World's 239 Ukrainians were hosted in 40 U.S. communities in 30 States, providing them with broad exposure to American democratic and free-market institutions. As part of these 40 programs, 10 aimed to not only assist Ukraine during these trying times, but also to further existing partnerships to support long-term sustainability. Open World's 2017 programming included Ukrainians from all of Ukraine's current 25 regions (not counting the two regions in Crimea). Open World alumni work on legal reform, media fact checking, supporting victims of war, and furthering reforms in education and health.

To exemplify some programmatic results: Open World is supporting our parliamentary alumni and others in the legal field to move actual judicial reform forward. Through the International Judicial Relations Committee of the Judicial Conference of the United States (whose Head is chosen by the Chief Justice of the Supreme

Court), we create intense U.S. programs for Ukrainian professionals that draws a practical path toward judicial reform.

Two members of the new Cabinet of Ministers are Open World alumni. Open World alumni are in top leadership positions in the Ministry of Health, the Ministry of Education and Science, and the Ministry of Youth and Sports. The Prime Minister is a strong supporter of the project and has been a very active supporter of the Birmingham (Alabama)-Vinnitsa partnership program that Open World implements.

Open World alumni are among the leadership in Ukraine's Parliament and many others serve as key staff members. These dedicated alumni are eager to work with Open World to expand partnership with Members of Congress and State legislators.

In summary, your investment in Open World brings returns every single day, from delegations talking with you and being hosted by families in your districts, to alumni helping our embassies abroad work effectively.

[This statement was submitted by Ms. Jane Sargus, Executive Director.]

NONDEPARTMENTAL WITNESSES

PREPARED STATEMENT OF THE AMERICAN ASSOCIATION OF LAW LIBRARIES

Dear Chairman Daines, Ranking Member Murphy, and Members of the subcommittee:

Thank you for the opportunity to submit written testimony in support of the fiscal year 2019 requests of the Government Publishing Office (GPO) and the Library of Congress.

The American Association of Law Libraries (AALL) is the only national association dedicated to the legal information profession and its professionals. Founded in 1906 on the belief that people-lawyers, judges, students, and the public-need timely access to relevant legal information to make sound legal arguments and wise legal decisions, its nearly 4,500 members are problem solvers of the highest order. AALL fosters the profession by offering its members knowledge, leadership, and community that make the whole legal system stronger.

Equitable and permanent public access to government and legal information is one of AALL's policy priorities. We are grateful to the subcommittee for ensuring that non-confidential Congressional Research Service (CRS) reports will soon be available online to the public through a website maintained by the Library of Congress, as directed in the fiscal year 2018 omnibus appropriations act (Public Law No: 115-141).

GPO and the Library of Congress have vital missions and critical responsibilities in providing access to and preserving unique materials. Both agencies have made great strides in recent years to contain costs and do more with less. We ask the subcommittee to provide adequate funding to these agencies so that they may continue to meet their responsibilities to Congress and the public by investing in programs and technologies that increase permanent public access to information.

FUNDING FOR THE GOVERNMENT PUBLISHING OFFICE

GPO produces, authenticates, disseminates, and preserves government information in multiple formats from all three branches of government. These are complex and demanding responsibilities that are essential to the information lifecycle and promote government transparency. We urge the subcommittee to fully fund each account within GPO's request.

Particularly important to AALL is funding for the Public Information Programs account, which supports the Federal Depository Library Program (FDLP). We urge the subcommittee to approve the requested \$32 million. Under current funding, this appropriation has declined by nearly 30 percent since fiscal year 2010. The requested funding level will allow GPO to increase the number of full-time equivalents (FTEs) by eleven to provide additional support for locating and processing Federal information for inclusion in the FDLP and the Cataloging and Indexing Program.

GPO administers the FDLP by providing Federal Government information products in multiple formats to more than 1,100 participating libraries across the country, including 12 Federal Depository Libraries in Montana and 18 Federal Depository Libraries in Connecticut. These libraries are charged with ensuring no-fee access to government information to the American public.

Approximately 200 law libraries participate in the FDLP, including academic, State, court, county, and government law libraries. Law libraries rely on GPO for

distribution of specific tangible materials, especially core legal titles in print, as well as access to official, authentic material online through GPO's govinfo.

On March 15, the bipartisan FDLDP Modernization Act of 2018, H.R. 5305, was introduced in the House with the support of AALL, the American Library Association, and the Association of Research Libraries. The bill will update the FDLDP for the digital age, strengthen the Superintendent of Documents' responsibilities to authenticate and preserve government information, and improve oversight and increase transparency by adding reporting requirements. It will strengthen GPO's administration of the program while ensuring continued participation by many types of libraries across the country. The bill was reported favorably by the Committee on House Administration on April 12, and we are hopeful the bill will soon pass the House and then be considered by the Senate.

In testimony before the House Committee on House Administration in July 2017, then-Director of GPO Davita Vance-Cooks suggested that Congress explore grant-making authority for GPO. Though grant-making authority was not included in H.R. 5305 as introduced, we believe it is worthy of further exploration. We recommend that the subcommittee direct GPO to continue to study the creation of a grant-making program to support the services of Federal Depository Libraries in providing permanent public access to Federal information. GPO should coordinate with the Institute of Museum and Library Services and consult with stakeholders about how such a program might be administered.

Finally, we are pleased with the work that GPO has done to make official, authentic information available through govinfo. Our members use govinfo every day to access and share trustworthy legal and government information.

FUNDING FOR THE LIBRARY OF CONGRESS

As the largest library in the world, the Library of Congress provides leadership on many critical issues, including digitization and preservation, access to legal and scholarly information, and copyright. We are pleased that approved funding for fiscal year 2018 will support technology modernization for the Library, the Copyright Office, and the CRS.

The Library's fiscal year 2019 request includes \$1.8 million to strengthen the capacity of the Law Library of Congress. The Law Library is a world leader in providing access to reliable legal materials in print and electronic formats and it must have adequate funding to meet the needs of Congress, the Supreme Court and other court judges, attorneys, and the public. In addition, the Law Librarian must be able to function with some autonomy within the Library of Congress, as she is the leader of the de facto national law library.

It is critical that the Law Library be adequately staffed with experts who have the appropriate foreign legal and language knowledge to answer complex legal questions and to meet increasing demand for foreign language and foreign law initiatives, including the maintenance and preservation of materials. The Law Library has lost legal specialists in recent years through attrition and retirement. We urge the Subcommittee to support the Library's request for an additional seven FTEs.

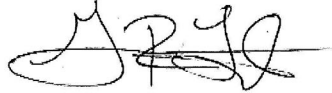
We strongly support the Law Library's digitization strategy, which will provide access to public domain U.S. legal and legislative materials and unique foreign law materials not subject to copyright restrictions and not otherwise available free of charge. By digitizing the *U.S. Serial Set* and the *Supreme Court Records and Briefs*, the Law Library will provide comprehensive, ready access to a treasure trove of documents that are currently available only in print, through commercial publishers, or in bits and pieces online (for example, through the Library of Congress American Memory Project, which provides non-searchable access to selected 19th century and early 20th century documents and reports from the *U.S. Serial Set*). We support the Law Library's request for three FTEs to support its digitization strategy.

CONCLUSION

AALL thanks the subcommittee for the opportunity to provide written testimony in support of the fiscal year 2019 requests of the Government Publishing Office and the Library of Congress. The work of GPO and the Library of Congress support law libraries, the public, and our democracy. We urge you to approve as close to full funding as possible for these agencies.

If we can provide additional information or assistance, please contact AALL's Director of Government Relations Emily Feltren at efeltren@aall.org or 312.205.8010.

Sincerely,



Greg Lambert
President

PREPARED STATEMENT OF THE AMERICAN LIBRARY ASSOCIATION

On behalf of the American Library Association, thank you for the opportunity to submit this testimony regarding Legislative Branch Appropriations for fiscal year 2019. We write in support of the budget requests of the Library of Congress and the Government Publishing Office, which provide valuable national services that benefit libraries and the public nationwide.

LIBRARY OF CONGRESS

The Library of Congress provides an array of services to Congress, libraries, and the American public. The Library of Congress is the largest library in the world, with millions of items in its collections. Through its ongoing work to acquire, organize, provide access to, and preserve these collections, the Library of Congress supports research, learning, and innovation nationwide.

The vital services of the Library of Congress include, for instance, the National Library Service for the Blind and Physically Handicapped, a free national library program that provides braille and recorded materials to people who cannot see regular print or handle print materials. This national program includes a network of regional libraries, such as the Montana Talking Book Library and the Connecticut Library for the Blind and Physically Handicapped, which provide services to users in those communities.

We also note our support for the ongoing modernization efforts at the Copyright Office, which has been working collaboratively with the Library of Congress's Office of the Chief Information Officer. While currently, most Copyright Office records are in paper formats, the office intends to make copyright records available online, which will make it easier for libraries to help users ascertain the rightsholder status of works.

In addition, we are grateful that the fiscal year 2018 appropriations law will require public access to nonconfidential reports by the Congressional Research Service, which for the first time will allow libraries nationwide to provide authentic copies of these useful reports to the public.

GOVERNMENT PUBLISHING OFFICE

The Government Publishing Office (GPO) also provides important services to the public and America's libraries. GPO's online repository of government information and the public information programs of GPO's Superintendent of Documents provide essential information to America's businesses, legal system, researchers, and the general public.

These programs include the Federal Depository Library Program (FDLP), a collaboration between the Federal Government and more than 1,100 participating libraries. These libraries, such as the Montana State University Library in Bozeman, Montana, and the Silas Bronson Library in Waterbury, Connecticut, help the public access Federal information.

While libraries value the FDLP, participating libraries incur significant unfunded costs in order to provide services to the public. We encourage the subcommittee to request that GPO study the creation of a grant-making program to support Federal Depository Libraries in providing permanent public access to Federal information.¹

¹ For additional information about this suggestion, please refer to the enclosed letter from the American Library Association, Association of Research Libraries, American Association of Law Libraries, and Chief Officers of State Library Agencies, dated April 6, 2018.

CONCLUSION

Thank you for the opportunity to testify before the subcommittee in support of the fiscal year 2019 requests of the Library of Congress and the Government Publishing Office. We ask for the subcommittee's support in meeting the requests for these important national programs that serve Congress, libraries, and the American public.

Sincerely,



Kathi Kromer
Associate Executive Director, Washington Office

Established in 1876, the American Library Association is a non-profit 501(c)(3) organization created to provide leadership in the transformation and the development, promotion, and improvement of library and information services as well as the profession of librarianship in order to enhance learning and ensure access to information for all.

ENCLOSURE

April 6, 2018

The Honorable Kevin Yoder
Subcommittee on Legislative Branch
Appropriations
U.S. House of Representatives

The Honorable James Lankford
Subcommittee on Legislative Branch
Appropriations
U.S. Senate

Dear Chairman Yoder and Chairman Lankford:

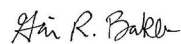
On behalf of the American Library Association, the Association of Research Libraries, the American Association of Law Libraries, and the Chief Officers of State Library Agencies, we write to ask for your continued support for the Federal Depository Library Program (FDLP) and other Public Information Programs of the Superintendent of Documents within the Government Publishing Office (GPO). In particular, we ask for your support for a study by GPO of grant-making to Federal Depository Libraries.

The FDLP is a decades-long collaboration between libraries and the Federal Government to ensure that members of the public have effective and long-term access to government information. Although libraries value the FDLP, participating libraries incur significant unfunded costs in order to provide services to the public under the program. These unfunded costs have led to a net decline in the number of Federal Depository Libraries of 18 percent since 1988, reducing the public's access to this vital program.

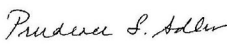
In recognition of this challenge, in testimony before the Committee on House Administration in July 2017, then-Director of GPO Davita Vance-Cooks suggested that Congress consider giving GPO the authority to make grants to Federal Depository Libraries. We believe this idea is worthy of further exploration. Therefore, we ask the subcommittee to request that GPO study the creation of a grant-making program to support the services of Federal Depository Libraries in providing permanent public access to Federal information. In doing so, we also urge the subcommittee to encourage GPO to coordinate with the Institute of Museum and Library Services and to consult with stakeholders, including the Depository Library Council and library associations, about how such a program might be administered.

Our associations appreciate the subcommittee's support of the FDLP. We look forward to continuing to work with the subcommittee to ensure this program carries out its important mission of providing the American public with transparency and access to government information. Thank you for your consideration.

Sincerely,



Gavin R. Baker, Assistant Director of Government Relations
American Library Association



Prudence S. Adler, Associate Executive Director
Association of Research Libraries



Emily Feltren, Director of Government Relations
American Association of Law Libraries



Timothy Cherubini, Executive Director
Chief Officers of State Library Agencies

cc: The Honorable Tim Ryan, Ranking Member, House Subcommittee on Legislative Branch Appropriations
The Honorable Chris Murphy, Ranking Member, Senate Subcommittee on Legislative Branch Appropriations

PREPARED STATEMENT OF THE CENTER FOR RESPONSIVE POLITICS

Mr. Chairman and Members of the committee, thank you for allowing the Center for Responsive Politics to submit this written testimony to the U.S. Senate Committee on Appropriations Subcommittee on the Legislative Branch, regarding our recommendation for improving public information on lobbying.

My name is Sheila Krumholz. I am executive director of the Center for Responsive Politics, a nonpartisan, nonprofit research organization founded 35 years ago by two former Senators, Democrat Frank Church and Republican Hugh Scott. CRP monitors and analyzes Federal campaign contributions and expenditures, and other forms of money and influence in U.S. politics and policy. My testimony focuses on lobbying data, which we also gather and present on our website, OpenSecrets.org.

The offices of the Clerk of the House and the Secretary of the Senate serve as the repositories for more than 20 years of data detailing the lobbying activities of thousands of organizations required to file under rules set forth by the Lobbying Disclosure Act of 1995 (LDA) and the Honest Leadership & Open Government Act of 2007 (HLOGA). These reports serve as the basis for important public resources that facilitate investigations by academics, journalists and Congress itself that contribute to the integrity of policy making processes.

Annually, these reports list more than 11,000 individual lobbyists as having undertaken significant "lobbying activities."¹ The Center for Responsive Politics (CRP) and others rely on this data both to populate the OpenSecrets.org website, which is free and open to the public, as well as to provide additional research assistance for journalists, nonprofits, academic institutions and interested citizens. Our core mission is to inform and engage citizens, more than 600,000 of whom visited our site seeking reliable information on money in politics last month. In the prior month, OpenSecrets.org had more than one million visitors—so the public interest in this kind of information is substantial and that's especially true of information about lobbying.

Unfortunately, the quality of information on Federal lobbying provided by the Senate Office of Public Records (SOPR) is undermined by the lack of two key ingredients: (1) an identifier that makes clear that names reported as "Jane Davis," "Jane A. Davis," and "Jane Ann Davis" all refer to the same individual lobbyist and (2) a data structure that includes reported information about the issues on which those lobbyists worked and the agencies lobbied by each.

Our research finds that over the last 20 years, on average, 12 percent of names reported annually are extraneous variations due to typographical errors, nicknames,

¹Lobbying Disclosure Act Guidance, Revised January 31, 2017; https://lobbyingdisclosure.house.gov/amended_lda_guide.html#section4.

and name changes. Recent years have been consistently in the 8 percent range. CRP researchers invest a lot of work to normalize lobbyist names to improve data accuracy and to facilitate tracking their employment history and political campaign contributions. We reconcile the different versions as well as verify that individuals with similar or common names are in fact, different people. Changes to a lobbyist's legal name based on changed marital status are common and present further challenges as there is often not an easily accessible way to confirm that "Jane Doe" and "Jane Buck" are, in fact, the same person.

Considerable effort goes toward creating and maintaining a version of lobbyist IDs through algorithmic matching as well as human review. Following each quarterly filing deadline, we spend a full day reconciling name variations and changes in associated registrants, delaying the release of an improved data set—all of which would be unnecessary if information already collected were converted into a publicly accessible identifier.

Based on official filing manuals,² the Clerk of the House and Secretary of the Senate assign a unique identifier to each lobbyist during the filing process that is used internally to track each person across time. However, the downloadable data released to the public does not include unique IDs.

The Honest Leadership & Open Government Act's revolving door provisions make clear that Congress sees tracking registered lobbyists' employment across government and the private sector as essential to monitor for conflicts of interest and to protect government integrity. The Government Accountability Office (GAO) undertakes an annual review of LDA compliance and recently found that 15 percent of filed reports fail to fully disclose previous government employment as required.³ The ability to easily and accurately identify individuals through their lobbying careers is critical to research and oversight by the press and civil society to fill that gap. Furthermore, the lobbyists themselves want the information about their activities to be accurate, based on the calls we receive from them whenever they are misidentified.

In addition to the lack of lobbyist identifiers, downloadable data provided by the SOPR removes the link between individual lobbyists and the agencies they contacted, and the link between lobbyists and the issues on which they lobbied, as per the quarterly LD-2 reports.

Lobbying reports are divided into sections describing activity within one of 79 predetermined general issue areas, with most reports listing multiple issue areas. Each issue area lists the agencies contacted and individual lobbyists who worked on that topic. Data provided by SOPR, however, lists all lobbyists and agencies from the entire report, regardless of issue area, removing the connections to the issues they worked on. This makes it impossible to say that, for example, John Smith lobbied on Medicare issues but not Defense issues and can even create the mistaken impression that he may have worked on both or on Defense but not Medicare. In terms of using the data to understand larger trends, it also prevents users of the SOPR website and data, including our own website, OpenSecrets.org, from being able to determine which issues are being worked on by the most registered lobbyists.

The current system for filers to submit reports does make these links and distinctions possible. The Clerk of the House's publicly available data includes these vital links. In fact, while CRP continues to primarily rely on the Senate's data, we augment it with the House data for this reason.

We are not requesting changes to the forms that lobbyists use to submit their reports. All lobbyists use a unique ID to sign into the online system to submit their reports. It is available only to them and internally at the offices of the Clerk of the House and Secretary of the Senate. We believe it is possible to generate from those private IDs a public-facing unique ID that can be released in the XML data files. Likewise, the relationship between individual lobbyists, the agencies they contacted and the issues that were discussed exists in report images⁴ and is preserved in the House version of the data so no changes to the filing process are necessary. Changes

²"Employed lobbyists are assigned a unique ID when they are registered with the House and Senate to lobby and added to the Contribution Reporting System by the person in your organization who manages the registration and reporting filings."—From the LD-203 "Help" manual for filers: <https://lda.congress.gov/LC/help/default.htm?url=WordDocuments%2FAccessingtheSystem.htm>.

³"GAO 2017 Lobbying Disclosure: Observations on Lobbyists' Compliance with Disclosure Requirements," March 2018: <https://www.gao.gov/assets/700/690988.pdf>.

⁴See questions 15 through 19 of Facebook's first quarter 2018 filing as provided by the SOPR: <https://soprweb.senate.gov/index.cfm?event=getFilingDetails&filingID=5B785E8B-B0B2-489E-9D7B-BB25F40C3CA5&filingTypeID=51>.

to the structure of the public data are all that are needed to add this important value.

If updates to SOPR's data structure to add such identifiers and provide connections between lobbyists and issues are not possible at this time, we request that a study is undertaken to determine the feasibility of doing so in the future.

Thank you for the opportunity to provide our testimony.

PREPARED STATEMENT OF THE CONGRESSIONAL DATA COALITION AND
CIVIC IMPULSE LLC

Chairman Daines, Ranking Member Murphy, and Members of the Senate Committee on Appropriations Subcommittee on the Legislative Branch, thank you for the opportunity to submit testimony.

At Civic Impulse LLC, our mission is to help the general public learn about and participate in their government. In the last year, 9 million Americans visited our free website www.GovTrack.us to research and track legislation in the U.S. Congress—including journalists, legislative affairs professionals, legislative staff on the Hill, advocates, students, educators, and of course members of the general public. Civic Impulse LLC is a proud member of the Congressional Data Coalition, which is a coalition of citizens, public interest groups, trade associations, and businesses that champion greater governmental transparency through improved public access to and long-term preservation of congressional information, and I am authorized to speak on their behalf.

Americans care about what is happening in the legislative branch, and Congress's efforts to publish its proceedings accurately, comprehensively, and comprehensibly is an indispensable function of our government in this era when information travels fast.

In recent years, this subcommittee has favorably reported appropriations legislation that, once enacted, has dramatically improved access to information about the work of the Senate, most recently public access to Congressional Research Service reports. Thank you for these efforts. We rely on many of these resources the subcommittee has supported—and your support for these efforts have had a tangible impact on improving civics education and understanding of and engagement with Congress.

Three incremental steps would continue the forward momentum of releasing important Congressional information in ways that serve the needs of the institution and the public. They are publishing a committee calendar on Congress.gov, publishing the "bioguide" website as data, and creating a public information advisory committee to the Library of Congress.

COMMITTEE CALENDAR ON CONGRESS.GOV

Congress.gov, a website jointly administered by the Library of Congress and the Government Publishing Office and visited by nearly 1 million people each month, provides a valuable resource to the public about legislation considered by each chamber of Congress. However, the website does not provide an integrated calendar about hearings and markups taking place each week in both chambers, even though that information is available as structured data from the House and the Senate. We know it is possible to combine this information into a unified user-friendly calendar, as we have built a successful prototype of such a service on our website, govtrack.us.¹

Providing a central listing on Congress.gov of upcoming committee hearings and markups from both chambers for the upcoming weeks would be a valuable resource to the general public as well as congressional offices that currently pay third parties for a service to provide that information. It should include basic information about the meeting, including the topic; the witnesses; the date, time, and location of the meeting; the committee or subcommittee holding the hearing; a link to the committee's website; links to any documents released by the committee relevant to the meeting; and a link to where video from the proceedings are (or will become) available.

BIOGRAPHICAL DIRECTORY OF THE UNITED STATES (BIOGUIDE)

The Biographical Directory of the United States Congress (or Bioguide) is an excellent source of information about current and former members of Congress. Since 1998, the online version of the Bioguide has been maintained by staff in the Office

¹ <https://www.govtrack.us/congress/committees/calendar>.

of the Historian of the United States Senate and the House Clerk's Office of History and Preservation at <http://bioguide.congress.gov>. And, since at least 2007, the underlying data structures for Bioguide data have been provided by the House at its XML website.

At this time, however, the format in which the information is published is inferior for reuse of that data. For those who wish to programmatically make use of its information, the website's data is published only in HTML. Instead, bioguide information should be published in a structured data format like XML. This will make it easier for everyone to use the information. In addition, to keep the public apprised of updates or changes in the bioguide information, a change log, which indicates when information has been changed, should be maintained as well.

LIBRARY OF CONGRESS PUBLIC INFORMATION ADVISORY COMMITTEE

The Library of Congress is proud of its reputation and role as the largest library in the world. Part of its mission is to share knowledge through its online resources. Indeed, the Library plays an important role in providing information about Congress to the public, but the Library—at least in our experience—is not in regular contact with civil society, especially with those with expertise in facilitating public access to Congressional information. This is a missed opportunity.

Other legislative and executive branch agencies and entities regularly meet with civil society stakeholders to share information and provide a foundation for collaboration. For example, the Legislative Branch Bulk Data Task Force meets quarterly concerning bulk access to congressional data; the Advisory Committee on the Records of Congress semi-annually convenes congressional historians; and the Federal Depository Library Council is an ongoing point of contact for depository libraries. In the executive branch, the FOIA Advisory Committee meets monthly as a point of focus for FOIA practitioners and agency officials, the Archivist regularly meets regularly with civil society, and so on.

To our knowledge, however, the Library of Congress does not have a regular mechanism by which it convenes public and internal stakeholders, at least not with respect to sites like Congress.gov. We recommend that such an advisory body be established with broad internal and external stakeholder representation that would hold regular public meetings where a productive interchange can take place.

CONCLUDING REMARKS

We urge the legislative branch to continue striving to cultivate its in-house technology talent. The fundamentals are already in place—the Library of Congress's Congress.gov and GPO's GovInfo.gov websites are evidence that in-house talent can produce effective and cost-effective solutions for Congress's public information needs. Congress has been supporting its in-house talent through the Legislative Branch Bulk Data Task Force, for instance. The legislative branch's technology staff can do so much more to enhance public engagement and civics education through the dissemination of Congress's trusted, primary source materials. They need your continued support and encouragement.

I appreciate the opportunity to testify and welcome the opportunity to discuss how the work of the Senate on public access to legislative information translates into a stronger democracy.

[This statement was submitted by Joshua Tauberer, President.]

PREPARED STATEMENT OF THE DATA COALITION

Chairman Daines, Ranking Member Murphy, and Members of the Legislative Branch Subcommittee, thank you for this opportunity to provide written testimony on behalf of the Data Coalition. Below I will describe how Congress can strengthen its operational capacity and effectiveness by funding a *DATA Act Information System* at the Congressional Research Service.

The Data Coalition was founded in 2012 to advocate on behalf of the private sector and public interest for the transformation of government information into standardized, open, and machine-readable data. Based in Washington D.C., the Data Coalition represents over 45 technology and data analytic companies as well as public sector focused consulting and accounting firms. We empower these data companies to help make our government more transparent and efficient.

In 2014 Congress unanimously passed the *Digital Accountability and Transparency Act* (DATA Act) (Public Law 113–101) which charged the White House Office of Management and Budget (OMB) and the Department of the U.S. Treasury

(Treasury) with the task of transforming government-wide spending information into standardized, searchable open data on a central website.

As of this past month, OMB and Treasury have fully transitioned the USAspending.gov website to reflect a year of DATA Act reported agency spending data for the public and Congress.

THE DATA ACT: VALUE, FUNCTION, AND VISION

The DATA Act’s unified open data set provides a comprehensive map of all of the executive branch’s expenditure accounts, their balances, and funds available to be spent. Such information had never before been publicly-available in an electronic form. The data set also connects every account with the contract and grant awards that it funds. Before the DATA Act’s mandate, this connection between accounting and award data did not systematically exist.¹

In May of 2017, nearly every CFO Act agency began reporting its spending to Treasury using this data format (beginning with fiscal year 2017–Q2). Now, as required by law, agencies are reporting, and Treasury is publishing, a unified open data set of executive-branch spending on a quarterly basis. By December 2018, the data set should reflect all of fiscal year 2018, its first complete fiscal year using a consistent data structure.² Over 90 Federal agencies are actively reporting across 1,660 Federal accounts.

This spending information is centrally defined by Treasury’s *DATA Act Information Model Schema* (DAIMS).³ The DAIMS is a government-wide standardized collection of 400 interconnected data elements together representing the relational data structure by which all Federal agencies must now map their financial account systems and award reporting.

And this is merely the beginning.⁴ For instance Treasury has built a number of visualization tools in their *Data Lab* to demonstrate how the DAIMS enables a browsable government account structure or can visually represent how the purpose of spending (*Budget Function*) relates to the actual spending mechanism (*Object Class*).⁵ Furthermore, Treasury’s Strategic Plan sets a goal to expand the DAIMS to cover other “administrative data and link more domains . . . to support decisionmaking and provide metrics for evaluating program performance and outcomes”.⁶ And agencies are also seeing financial management benefits of agency-wide financial viewpoints enabled by a unified data set.⁷

In short, the DATA Act is the start to realizing a full life-cycle picture of the U.S. Government’s financial information.⁸

USASPENDING.GOV AND CONGRESS: REAL-TIME INSIGHTS, BETTER-INFORMED DECISIONS

The real value of the DATA Act as a resource for government-wide spending information is in how it can be both publicly accessed via USAspending.gov through intuitive visualizations or complete bulk data downloads⁹ and automated APIs¹⁰ for technically advanced users.

¹Landefeld, Frank, Jamie Yachera, and Hudson Hollister. The DATA Act: Vision & Value. MorganFranklin Consulting. Data Foundation. July 2016. <http://www.datafoundation.org/data-act-vision-and-value-report/>. See Section III “How Does the DATA Act Work?”.

²By May 2018, USAspending.gov will reflect a full consecutive years’ worth of Federal spending: the latter three quarters of fiscal year 2017 and the first one of fiscal year 2018.

³“DATA Act Information Model Schema V1.2.” Federal Spending Transparency Collaboration Space. December 22, 2017. <https://fedspendingtransparency.github.io/data-model/>.

⁴Mader, Dave, Tasha Austin, Christina Canavan, Dean Ritz, and Matt Rumsey. DATA Act 2022: Changing Technology, Changing Culture. Deloitte. Data Foundation. May 2017. <http://www.datafoundation.org/data-act-2022/>. See “Realizing the Vision” for seven Cultural and Technical DATA Act recommendations.

⁵Data Coalition. “Treasury Launches Data Lab on Revamped USAspending.gov.” News release, April 5, 2018. DataCoalition.org. <https://www.datacoalition.org/press-releases/treasury-launches-data-lab-on-revamped-usaspending-gov/>.

⁶Department of the Treasury. Strategic Plan 2018–2022. https://www.treasury.gov/about/budget-performance/strategic-plan/Documents/2018-2022_Treasury_Strategic_Plan_web.pdf.

⁷Landefeld. Vision & Value. See Section IV “Who Benefits From the DATA Act?” for a full discussion.

⁸Using the DATA Act to Restore the Power of the Purse, 114th Cong. (2016) (testimony of Hudson Hollister, Executive Director, Data Coalition). <https://oversight.house.gov/wp-content/uploads/2016/12/2016-12-01-DATA-Hollister-Testimony.pdf>.

⁹“How to Access the USAspending.gov Amazon RDS Snapshot.” USAspending.gov Database on AWS. Accessed April 16, 2018. <https://aws.amazon.com/public-datasets/usaspending/>.

¹⁰“The USAspending Application Programming Interface (API).” USAspending.gov. <https://api.usaspending.gov/>.

For example, the USAspending.gov data provides sufficient information, in a readily-available electronic form, for software applications to empower the following tasks, instantly:

- Identify the particular agency accounts funded by a Congressional appropriation, select the contract and grant awards paid out of those accounts, and map the geographic impact of those awards by state, zip-code, and potentially Congressional district;
- Identify all of the agency expenditure accounts funding a Federal grantmaking program, and assess the impact of future appropriations decisions on that program;
- Identify and track all of the unobligated balances across government, within a particular agency, or within a particular appropriations subcommittee jurisdiction, and reconcile this with approved spending allocations and supplemental budget requests;
- Make more informed appropriations decisions by comparing the annual budget request to current fiscal year government-wide agency account balances and spending activity;
- Tag spending to particular programmatic missions, track these resources over time, and pair with additional data sets to assess programmatic performance;
- Autonomously monitor the impact of Federal spending activity on a geographic region;
- Access consistent and accurate data to inform Congressionally commissioned government reform and deficit reduction decisionmaking bodies.

However, to derive such conclusions requires in-depth analysis and parsing of the bulk data and the raw agency data submissions,¹¹ where the real value and insights exist. This is often beyond the technical capabilities and time resources of Congressional staff who more often possess deep expertise in specific policy issue areas and disciplines like public administration, law, or business.

RECOMMENDATION: PROVISION A CRS CONGRESSIONAL FACING DATA ACT INFORMATION SYSTEM

Congress should fund a project at the Congressional Research Service to build a Congressional facing *DATA Act Information System*. Such a platform would pull USAspending.gov's bulk data and make it readily accessible for the unique budget, appropriations, and oversight workflows of Congressional staff, Member Offices, and Committees.

Specifically, this software-based platform could provide Congressional staff with a financial performance and accountability dashboard that organizes spending by budget function, maps the impact of spending to Congressional districts and Committee jurisdictions, includes information on known data quality issues and limitations, and links other Federal open data sets for performance analysis. Congressional staff could also track specific agency accounts and programs through a tailored dashboard equipped with custom alerts, report building functionality, and interactive data visualizations.

The implementation of the DATA Act's USAspending.gov represents a significant Congressional investment. The Congressional Budget Office originally estimated \$300 million in associated implementation costs from fiscal year 2014–2018 (though we estimate actual implementation costs were ultimately much lower).¹² For instance, more than \$30.7 million in dedicated funds were appropriated in fiscal year 2016.¹³

It is imperative that Congress now also invest in itself with the necessary systems to leverage this new national information resource to fulfill its Constitutionally mandated Article 1 duties.

CONCLUSION: DATA-DRIVEN DECISION MAKING FOR CONGRESS

Congress needs to utilize this information resource to enhance the way it conducts the day-to-day work of executive branch oversight, budget formation, appropriation

¹¹ "FilesDirectory Listing for Raw Financial Assistance Files/Raw Quarterly DATA Act Files." USAspending.gov Agency Submission Files. Accessed April 16, 2018. <http://usaspending-submissions.s3-website-us-gov-west-1.amazonaws.com/>.

¹² S. Rep. No. 113–139 (2014). <https://www.congress.gov/113/crpt/srpt139/CRPT-113srpt139.pdf>. See page 12.

¹³ DATA Act Implementation Check-In, 114th Cong. (2016) (testimony of David Mader Controller, Office of Management and Budget). <https://oversight.house.gov/wp-content/uploads/2016/04/2016-04-19-Mader-OMB-Testimony.pdf>. See Appendix B for a summary chart of Congressional appropriations for DATA Act implementation.

funding, programmatic authorizations, and constituent relations work. Otherwise the country risks the DATA Act's legal mandate becoming yet another Federal compliance exercise.

By fully leveraging USAspending.gov's consistent and reliable spending data with a CRS built system, Congress will enhance its ability to fully understand how Federal taxpayer funds are ultimately used. And in turn, make better, data-driven decisions on behalf of the public.

[This statement was submitted by Christian A. Hoehner, Director of Policy.]

PREPARED STATEMENT OF DEMOCRACY FUND VOICE

April 13, 2018

<p>The Honorable Kevin Yoder Chairman House Appropriations Subcommittee on the Legislative Branch Washington, D.C. 20515</p>	<p>The Honorable Tim Ryan Ranking Member House Appropriations Subcommittee on the Legislative Branch Washington, D.C. 20515</p>
<p>The Honorable Steve Daines Chairman Senate Appropriations Subcommittee on the Legislative Branch Washington, D.C. 20510</p>	<p>The Honorable Chris Murphy Ranking Member Senate Appropriations Subcommittee on the Legislative Branch Washington, D.C. 20510</p>

Dear Chairman Yoder, Chairman Daines, Ranking Member Ryan, and Ranking Member Murphy:

Democracy Fund Voice is a nonpartisan organization established by eBay founder Pierre Omidyar to help America build a stronger, healthier democracy. Effective governance in Washington and our State capitals is absolutely critical to this mission, and we regularly support efforts to ensure that elected leaders have the tools and resources they need to best deliberate, negotiate, and serve the American people.

We urge you, as the Chairs and Ranking Members of the House and Senate Appropriations Subcommittees on the Legislative Branch, to include adequate resources in the fiscal year 2019 Legislative Branch appropriations bill to allow Congress to fulfill its critical constitutional responsibilities.

A healthy democracy requires a Legislative Branch that is able to carry out its responsibilities and earn the trust of the American people. By the powers granted to it through Article One of the Constitution, the United States Congress is the world's most powerful legislature. Yet in recent years, "Congress is broken" has become a too-common refrain from voices inside and outside of the institution. We believe this is, at least in part, because Members of Congress have forfeited a significant amount of their power through chronic underfunding of the resources and people required for the institution to represent the American people effectively. When Congress has inadequate internal resources, it relies more on outside special interests and this dynamic further reduces the public's trust in its decisions.

As you surely know, the Legislative Branch spends only *one tenth of 1 percent* of all Federal discretionary spending on itself. Appropriations for the legislative functions of government have remained flat for more than a decade.¹ This pattern is unsustainable if Congress wishes to cease delegating legislative functions to bureaucratic rulemaking in the Executive Branch. To adequately oversee the 180 agencies of the Executive Branch and restore its status as the first branch of government, Congress must dedicate more resources to itself. This includes office budgets, staff salaries, legislative support agencies such as the Congressional Research Service (CRS) and Congressional Budget Office (CBO), technology intended to make constituent service more efficient and effective, and the cybersecurity of networks within the Legislative Branch.

The effects of stagnant funding levels for congressional offices have been particularly acute on the staff who power the institution. House Member and committee

¹"Vital Statistics on Congress," Table 5-10, Brookings Institution, September 7, 2017, accessed April 9, 2018. Available at: www.brookings.edu/multi-chapter-report/vital-statistics-on-congress/.

offices have hundreds fewer staff at their disposal to develop legislation and serve constituent needs than they had in the 1990s. Senate committee employment, meanwhile, has declined roughly 10 percent from 2005 to 2015.² Yet with each Member of the House on average representing about 200,000 more constituents and each Senator on average representing 1.6 million more constituents than they did 30 years ago, staff have greater demands than ever before.³ CRS also has found that the average salaries for staff have declined by thousands of dollars in recent decades,⁴ pushing many out the door and reducing the average tenure of staff to just a few years.⁵

Many observers have suggested that Congress' struggle to hire and retain staff may be directly undermining its ability to fulfill its promised legislative agenda.⁶ One study of congressional employment data from the 108th to 113th Congress found that "Members with more experienced staff produce more bills and more important legislation, and see their legislation progress further in the policymaking process."⁷ Yet according to a recent Congressional Management Foundation survey, only 11 percent of staff feel "very satisfied" that their chamber has the adequate staff capacity, research capability, and infrastructure to perform its role in democracy.⁸

Other effects of inadequate funding also are well documented. As a result of deep cuts over the years, today the House of Representatives holds nearly 50 percent fewer hearings than it did in 1995.⁹ Legislative support agencies have faced significant staff decreases in the past 35 years, with CRS operating at 72 percent of the staff capacity it had in the late 1970s and the Government Accountability Office (GAO) even lower, at 56 percent.¹⁰

As its resources are diminished, Congress starves itself of the diversity,¹¹ experience, and expertise so vital to successful constituent representation and policy formation. With less internal capacity to master complex issues and formulate legislative proposals, congressional staff more often turn to lobbyists (often former staff who have left the Hill for more lucrative positions) outside of the institution for help.¹² Declining office capacity, therefore, increases Congress' reliance on outside interests in the policy formation process. As a result, the Congress' capacity to function as a deliberative body and to represent the will of ordinary citizens is further weakened and this intensifies the cycle of public dissatisfaction with congressional performance.

Lastly, Congress is operating with decades-old technology. This not only hampers its ability to function effectively and be responsive to constituents; it also impedes achievement of greater efficiencies by the staff who remain. Perhaps most importantly, Congress needs essential 21st century cybersecurity measures. At a time

²"Vital Statistics on Congress," Table 5-1, Brookings Institution, September 7, 2017, accessed April 9, 2018. Available at: www.brookings.edu/multi-chapter-report/vital-statistics-on-congress/.

³Curtlyn Kramer, "Vital Stats: Congress Has a Staffing Problem, Too," Brookings Institution, May 24, 2017, accessed April 9, 2018. Available at: www.brookings.edu/blog/fixgov/2017/05/24/vital-stats-congress-has-a-staffing-problem-too/.

⁴Molly Reynolds, "The Decline in Congressional Capacity," Brookings Institution, February 23, 2018 (citing multiple CRS reports).

⁵Eric R. Petersen and Sarah Eckman, "Staff Tenure in Selected Positions in Senate Committees, 2006–2016," Congressional Research Service, November 9, 2016, accessed April 12, 2018. Available at: <https://fas.org/sgp/crs/misc/R44685.pdf>.

⁶Joe Williams, "Staff Departures Undermine GOP Legislative Agenda," *Roll Call*, June 19, 2017, accessed April 9, 2018. Available at: www.rollcall.com/news/policy/staff-departures-undermine-gop-legislative-agenda.

⁷Joshua M. McCrain, 2017, "Congressional Staff and Effective Legislating in the House of Representatives," Conference Paper, Annual Meetings of the Southern Political Science Association, 2018, New Orleans, LA. Available at: http://joshuamccrain.com/McCrain_Staff_Paper.pdf.

⁸Kathy Goldschmidt, "State of the Congress: Staff Perspectives on Institutional Capacity in the House and Senate," Congressional Management Foundation, August 8, 2017, accessed April 9, 2018. Available at: <http://www.congressfoundation.org/projects/resilient-democracy-coalition/state-of-the-congress/>.

⁹Kevin R. Kosar, "Restoring Congress as the First Branch," R Street Policy Study No. 50, 2016, accessed April 9, 2018. Available at: www.rstreet.org/wp-content/uploads/2016/01/RSTREET50.pdf.

¹⁰Curtlyn Kramer, "Vital Stats: Congress Has a Staffing Problem, Too," Brookings Institution, May 24, 2017, accessed April 9, 2018. Available at: www.brookings.edu/blog/fixgov/2017/05/24/vital-stats-congress-has-a-staffing-problem-too/.

¹¹"Racial Diversity Among Top Senate Staff," Joint Center for Political and Economic Studies, December 15, 2015, accessed April 9, 2018. Available at: jointcenter.org/research/racial-diversity-among-top-senate-staff.

¹²Lee Drutman and Steven Teles, "Why Congress Relies on Lobbyists Instead of Thinking for Itself," *The Atlantic*, March 10, 2015, accessed April 9, 2018. Available at: www.theatlantic.com/politics/archive/2015/03/when-congress-cant-think-for-itself-it-turns-to-lobbyists/387295/.

when data breaches are in the headlines daily, Congress should take steps to ensure that its own information, as well as the personal information of constituents on whose behalf congressional offices work, is protected.

Democracy Fund Voice established its Governance Program to be an ally of Congress. Democracy Fund Voice staff collectively have decades of experience on both sides of the aisle working in Congress. We believe deeply in the primary role of the Legislative Branch in our Federal system. A Congress that lacks the ability to make informed and independent policy decisions and to function as a check and balance, as the framers of the Constitution intended, undermines the public's trust. We believe more resources are necessary across the Legislative Branch to rebuild public trust in the institution and, ultimately, in our democracy.

At Democracy Fund Voice and our sister organization, Democracy Fund, we support dedicated and resourceful nonprofits that train congressional staff in legislative procedure, educate Members and staff on complex policy issues, strengthen committee staff's ability to perform rigorous oversight of Executive Branch agencies, and develop solutions to office communications and technology challenges. We are proud to support this work, but it can only go so far in improving the institution from the outside. Ultimately, Congress must provide itself with the resources it needs.

We believe leaders in Washington can rise above their differences and find common ground to address the greatest challenges facing our country. We look forward to supporting your efforts to ensure that Congress has the resources it needs to do so.

Sincerely,

Joe Goldman, President
Democracy Fund Voice

PREPARED STATEMENT OF THE NATIONAL SECURITY COUNSELORS¹

Chairman Daines, Ranking Member Murphy, and Members of the Legislative Branch Appropriations subcommittee, thank you for the opportunity to speak with you today.

The Government Accountability Office plays a critical role in Congressional oversight of the Executive Branch. Unfortunately, that role may be stymied when it comes to the Intelligence Community ("IC"). Despite the fact that, by statute, GAO already has the purview to conduct oversight of *all* Federal agencies² and has since its creation in 1921,³ the IC has insisted that it is not subject to such audits since its inception. This effectively deprives Congress of one of the most effective tools in its arsenal, especially at a time when the activities of the IC present some of the most pressing needs for robust oversight in the Executive Branch. I respectfully recommend that Congress take steps to conclusively validate GAO's jurisdiction in such matters.

In response to the IC's recalcitrance, some Members of Congress have periodically attempted to resolve the matter over the past few decades. For instance, then-Congressman Leon Panetta introduced a bill in 1987 called the CIA Accountability Act to officially clarify GAO's authority vis-à-vis the IC.⁴ Unfortunately, it was not enacted. In 1988, GAO attempted to conduct an investigation "[i]n order to evaluate whether 'information about illegal activities by high level officials of other nations may not be adequately considered in U.S. foreign policy decisions,'" leading the National Security Council to request an opinion from the Department of Justice Office of Legal Counsel which has been cited ever since:

We therefore conclude based on the nature of the GAO request that the subject of the GAO investigation is the Executive's discharge of its constitutional foreign policy responsibilities, not its statutory responsibilities. The subject is thus not "a program or activity the Government carries out under existing law," and it is beyond GAO's authority under 31 U.S.C. § 717(b). . . .

¹Joined by the Government Accountability Project and the Project on Government Oversight.

²See 31 U.S.C. §§ 712, 717, 3523(a) (GAO has authority to investigate each "department, agency, or instrumentality of the United States Government.")

³Budget and Accounting Act, Public Law 67-13, 42 Stat. 26, June 10, 1921 ("All departments and establishments shall furnish to the Comptroller General such information regarding the powers, duties, activities, organization, financial transactions, and methods of business of their respective offices as he may from time to time require of them.")

⁴H.R. 3603, *available at* <https://fas.org/irp/eprint/panetta-1987.pdf>.

In addition to the infirmity in GAO's statutory authority to pursue this investigation, we believe that GAO is specifically precluded by statute from access to intelligence information. In establishing by law the oversight relationship between the intelligence committees and the executive branch, Congress indicated that such oversight would be the exclusive means for Congress to gain access to confidential intelligence information in the possession of the executive branch.

This intelligence oversight system has been codified at 50 U.S.C. § 413. That section sets forth requirements for the Director of Central Intelligence, the heads of all other Federal agencies involved in intelligence activities, and the President to inform the Congress through the intelligence committees (and in some circumstances the Speaker and minority leader of the House of Representatives and the majority and minority leaders of the Senate) of intelligence activities.⁵

Over two decades later, this fight was still underway. When an amendment to the fiscal year 2010 Intelligence Authorization Act sought to reaffirm GAO authority, it prompted a veto threat in the form of a letter from Director of the Office of Management and Budget Peter Orszag,⁶ which Acting Comptroller General Gene Dodaro thoroughly refuted, demonstrating that "[n]either the language of section 413 nor its legislative history provides support for this position" and that the IC's resistance "has greatly impeded GAO's work for the intelligence committees and also jeopardizes some of GAO's work for other committees of jurisdiction, including Armed Services, Appropriations, Judiciary, and Foreign Relations, among others."⁷

Despite Mr. Dodaro's testimony, the enacted law took a middle-of-the-road approach, stating that clarification was necessary but deferring to the Executive for that clarification, instructing the Director of National Intelligence ("DNI") to "issue a written directive governing the access of the Comptroller General to information in the possession of an element of the intelligence community."⁸ The DNI, for his part, issued Intelligence Community Directive 114 the following year, which reluctantly admitted that GAO had *some* authority to investigate the IC, but adopted a severely restrictive interpretation of the scope of that authority:

Information that falls within the purview of the congressional intelligence oversight committees generally shall not be made available to GAO to support a GAO audit or review of core national intelligence capabilities and activities, which include intelligence collection operations, intelligence analyses and analytical techniques, counterintelligence operations, and intelligence funding. IC elements may on a case-by-case basis provide information in response to any GAO requests not related to GAO audits or reviews of core national intelligence capabilities and activities.⁹

In other words, GAO can investigate anything involving the IC that the intelligence oversight committees cannot, which amounts to basically nothing. Moreover, this is not an academic dispute: in response to a question about this matter from Chairman Yoder of the House Legislative Branch Appropriations Subcommittee, Mr. Dodaro explained just this week that this remains an ongoing controversy, although the situation is minimally better than it was before 2010:

Chairman YODER. Do you need additional support from Congress or direction to the intel agencies to make sure they're aware that this is an authority you have?

Mr. DODARO. Yes, that would be helpful.¹⁰

GAO possesses significantly more resources and institutional expertise in certain kinds of Executive Branch investigations than even the most robust committee staff, and there is frankly no reason for this arbitrary restriction on its authority. Con-

⁵ *Investigative Authority of the General Accounting Office*, 12 Op. Off. Legal Counsel 171 (1988).

⁶ Letter from Orszag to Feinstein of 3/15/10, available at <https://fas.org/irp/news/2010/03/omb031610.pdf>.

⁷ Letter from Dodaro to Feinstein of 3/18/10, available at <http://www.pogoarchives.org/m/co/dodaro-letter-to-intel-committees-20100318.pdf>. Mr. Dodaro concluded that reaffirming GAO's authority in this area "would prove beneficial both to the conduct of oversight by the intelligence committees and to the efficiency and effectiveness of IC operations."

⁸ 50 U.S.C. § 3308.

⁹ ICD 114(D)(4)(b), available at https://www.dni.gov/files/documents/ICD/ICD_114.pdf.

¹⁰ Available at <https://www.youtube.com/watch?v=peKIttDzU4o> (testifying that GAO has been able to investigate peripheral matters in the IC such as "a facilities area" and contract management in the last few years).

gress gave the Executive Branch a chance to establish reasonable limitations which balanced the Executive's legitimate interests with one of the most important functions of Congress—effective oversight. Instead of crafting a reasonable policy, the DNI memorialized the hard-line position the IC had taken from the very beginning.

I recommend this committee include language to remove any doubt concerning GAO's audit power over the IC by advancing a measure that restates Section 335 of the fiscal year 2010 Intelligence Authorization Act, as engrossed by the House of Representatives in February 2010.¹¹

Not only would taking such a measure resolve a longstanding problem, but it would be revenue neutral, since it would not require GAO to take on any more responsibilities than it already has; it would only open the universe of matters it *may* investigate. When one considers the fact that the number of GAO employees with Top Secret/Sensitive Compartmented Information ("TS/SCI") clearances is higher than the combined number of staffers employed by both intelligence oversight committees, it is clear that these artificial restrictions on GAO's authority are causing Congress to expend *more* financial and manpower resources to accomplish *less* oversight over a significant portion of the Executive Branch. It is time for Congress to assert its prerogatives to protect its oversight capabilities over *all* agencies.

[This statement was submitted by Kel McClanahan, Executive Director.]

PREPARED STATEMENT OF R STREET INSTITUTE

Thank you Chairman Daines, Ranking Member Murphy, and Members of the subcommittee for accepting testimony from outside witnesses.

I am the Vice President of Policy at the R Street Institute, and I spent 11 rewarding years as an analyst and acting research manager at the Congressional Research Service (CRS).

Three years, I and members of a diverse coalition¹—including former CRS employees—asked the subcommittee to help complete something begun more than 20 years ago: equalizing public access to Congressional Research Service reports.²

I argued then that it was good for the public, as they pay more than \$100 million per year for CRS to serve Congress, yet have far less access to the reports than Beltway insiders. The public also would benefit from CRS, I contended, because the reports are objective—a rare thing in this era of "alternate facts" and claims of fake news. I also said that you would do CRS employees a favor by making the reports publicly accessible. It has long been a hassle for staff to get calls and emails from academics and media asking for a copy of a report and being forced to say "No." As such, to remove CRS employees as middlemen would free more of their time to conduct deep research for Congress.

Last year, language in a Senate bill and a House report to expand public access to CRS reports. Then this spring you finished the job—you enacted law that struck down the 1954 appropriations rider that had created inequitable access.³

Thank you.

Now comes the challenge of implementation. The law, signed on March 23, tasks CRS to provide the Library with the reports within 90 days (June 21), and for the Library to certify to you that CRS has done so. That is a good oversight provision.

However, I suggest the subcommittee consider querying the Library and CRS every 30 days—or even every 2 weeks—to oversee their progress prior to June 21. As you know all too well, CRS leadership long resisted the public release of the reports—irrespective of the fact that tens of thousands of copies already were floating around out there. For this reason, the subcommittee cannot presume prompt compliance with the law it wrote. And I would urge the subcommittee to post on its site the LoC's and CRS' responses to your oversight queries. Doing so will allow the

¹¹ Available at <https://www.gpo.gov/fdsys/pkg/BILLS-111hr2701eh/pdf/BILLS-111hr2701eh.pdf>.

¹ 41 Organizations Call for Public Access to CRS Reports, Address Concerns Raised by CRS, August 2015, <https://www.ccagw.org/legislative-affairs/letters-officials/organizations-call-public-access-crs-reports>; and CRS Employees Letter Calling For Public Access To CRS Reports, October 22, 2015, <https://archive.org/details/CRSEmployeesLetterCallingForPublicAccessToCRSReports10222015>.

² Steven Aftergood, "Liberating the Congressional Research Service," Secrecy and Government Bulletin, March 1997, <https://fas.org/sfp/bulletin/sec65.html>.

³ Kevin Kosar, "Where taxpayers pay (\$100 million a year) but interest groups benefit," *The Washington Post*, Nov. 10, 2015, https://www.washingtonpost.com/news/Federal-eye/wp/2015/11/10/where-taxpayers-pay-100-million-a-year-but-interest-groups-benefit/?utm_term=.965e4c523c42.

many, many groups who advocated for this policy to help you keep an eye on implementation.

And since we are on the subject of CRS, I am delighted that it appears the agency's funding will be increased, which will help expand its staff count. (It has atrophied greatly in recent decades.)

But please allow me to suggest the subcommittee take a closer look at the state of management there. By all accounts, there are problems. Let me just mention two points:

First, many employees are not happy. A few years ago, CRS commissioned a survey of its employees and the results were bad. Interestingly enough, I am told agency management shared with CRS staff only selected, less bad portions of those survey results. I do not know if the agency ever shared the original survey results with you—if not, you may wish to see them. Symptomatic of the situation is that recently a CRS attorney wrote to the Librarian of Congress re: the pressures analysts were feeling to adjust their analysis and discussions with Congress and its staff to avoid offending anyone's political sensibilities. That's a problem; because Congress pays CRS to be objective even when the facts are upsetting. This same attorney, I should add, was sanctioned by the agency because she said something to congressional staff that CRS management feared was too conclusive about what science showed about climate change.⁴ Another American Law Division attorney's legal analysis was bottled up by management because it felt its conclusions would upset some members of Congress. She later was suspended from duty for cursing at her supervisor.

Second, the agency also is hemorrhaging talent. CRS, when I checked two weeks ago, had 14 open positions. Staff are quitting or retiring in frustration and exasperation. In recent years, the former deputy director of CRS left, as did the long-time head of finance, the leader of the government and finance division, the head of its human resources unit, and various analysts and attorneys. CRS's annual reports to Congress in 2016 and 2017 saw the agency's retention rate sliding. Interestingly, CRS did not report its staff retention data in its 2017 report. One wonders why.

The turnover at CRS and the loss of good employees is bad for the agency, bad for Congress and also expensive. It costs a lot to onboard and train a new employee. That people are choosing to leave CRS—a place where one can rise to the GS-15 pay level and make \$164,000 a year—is not a healthy sign. One of the reasons I myself departed in 2014, was that I had little confidence that top leadership had a vision for the agency in the 21st century.

I do not know if CRS's oversight committee, the Senate Committee on Rules and Administration, is examining these issues. Regardless, I think you, the appropriators, might find it informative to meet with the leadership of CREA, and also to interview the various employees who have departed the agency to hear what they have to say. CRS management, who presumably will tell you everything is wonderful, can supply you with the names of all departed staff.

Thank you for your time, and I would be happy to answer any questions you may have. I can be reached at kkosar@rstreet.org.

[This statement was submitted by Kevin R. Kosar, Vice President of Policy.]

PREPARED STATEMENT OF THE STANFORD CYBER INITIATIVE

Dear Chairman Yoder, Ranking Member Ryan and Members of the Committee:

Thank you for considering my testimony. The Stanford Cyber Initiative is a research and education initiative dedicated to expanding the field of cybersecurity and cyber policy to include multidisciplinary studies and researchers.

As cybersecurity policy experts on the west coast, our opportunities to bring research insights to the Hill primarily involve participating in committees, such as those organized by the National Academies of Science, Engineering, and Medicine, and in speaking with our Californian representatives and legislators. As seen during Mark Zuckerberg's recent Congressional testimony, and deliberations over encryption technologies, the geographical centralization of technology companies leads to technological expertise in the form of staffers and advisors being disproportionately allocated to a handful of representatives at the expense of the support of others.

⁴ Kevin Kosar, "The struggle between objectivity vs. neutrality continues at the Congressional Research Service, R Street Institute, Feb. 13, 2018. <http://www.rstreet.org/2018/02/13/the-struggle-between-objectivity-vs-neutrality-continues-at-the-congressional-research-service>.

Conducting a study of the feasibility of re-opening the Office of Technology Assessment (OTA) would be a useful and welcome step toward expanding the expert knowledge available to all Congresspeople on technology policy issues. Because technology policy is not a local issue, but affects constituents nationwide, is it in our interest as a nation to aggregate and indiscriminately provide the best technological expertise available.

Thank you,

[This statement was submitted by Allison Berke, Executive Director.]